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The following constitutes the order of the Court.
1 Signed: May 8, 2023

Signed: May 8, 2023

M. Elaine Hammond

**M. Elaine Hammond
U.S. Bankruptcy Judge**

8 Attorneys for Movant
Douglas G. Sykes, his successors and/or assignees

UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: Bk. No. 23-50023-MEH
13 Y. ROGER YU, Chapter 13
14 Debtor. ORDER VACATING AUTOMATIC STAY

21 The hearing on DOUGLAS G. SYKES, his successors and/or assignees
22 ("Movant") motion for relief from automatic stay was scheduled for hearing on May 11, 2023,
23 at 1:30 pm before the Honorable M. Elaine Hammond, United States Bankruptcy Judge.
24 Movant, by and through his counsel, REILLY D. WILKINSON of SCHEER LAW GROUP,
25 LLP and Y. ROGER YU ("Debtor"), by and through his counsel of record, NANCY WENG of
26 FARSAD LAW OFFICE, P.C., have settled all claims regarding the property located at **115**
27 **College Avenue, Mountain View, CA 94040** ("Property"). Debtor filed a Withdrawal of
28 Opposition to Motions for Relief from Stay. [See Docket No. 81.] FOR GOOD CAUSE

1 appearing, the Court makes its order as follows:

2 IT IS ORDERED that the automatic stay in the above entitled proceeding is
3 immediately vacated and extinguished to allow Movant to commence or complete its non-
4 judicial foreclosure pursuant to all existing defaults, including any pre-petition defaults specified
5 under any existing foreclosure, thereafter take possession of the real Property, which is legally
6 described in the Deed of Trust attached to Movant's motion for relief from automatic stay filed
7 in this matter and seek and collect any damages ordered by a Court for the wrongful retention of
8 the Property. Movant shall not be required to wait any additional time to hold its foreclosure
9 sale, as may be required pursuant to Civil Code §2924(g)(d), or Bankruptcy Rule of Procedure
10 4001(a)(3).

11 IT IS FURTHER ORDERED that the automatic stay as it pertains to Movant's
12 interest in the subject real Property shall be and is hereby terminated and vacated for all
13 purposes, including the prosecution of appropriate foreclosure remedies, without the requirement
14 of further notice or publication, except as may be required by state law. Movant shall not be
15 required to wait any additional time to proceed with its foreclosure, the provisions of Civil Code
16 §2924g(d) and Federal Rule of Bankruptcy Procedure 4001(a)(3), being hereby waived.

17 IT IS FURTHER ORDERED that this Order is to be binding upon the Debtor in
18 the event that this bankruptcy is dismissed and Debtor refiles bankruptcy under any chapter
19 within 180 days from the dismissal of the previous bankruptcy, or in the event that this matter is
20 converted to Chapter 7. Any such bankruptcy filing or conversion shall not prevent Movant
21 from proceeding pursuant to this Order.

22 IT IS FURTHER ORDERED that this Order shall be binding in any other case
23 under this title purporting to affect the subject Property filed within two (2) years of the date of
24 entry of this Order for relief. Movant shall be allowed to proceed with the foreclosure
25 notwithstanding the filing of any bankruptcy by Debtor or any third party filed within two (2)
26 years of the date of entry of this Order for relief. Any Federal, State or local governmental unit
27 that accepts notices of interests or liens in real property shall accept a certified copy of this Order
28 for indexing and recording pursuant to 11 U.S.C. § 362(d)(4).

1 IT IS FURTHER ORDERED that the Co-Debtor automatic stay of 11 U.S.C.
2 §1301 as it pertains to the Co-Debtor's interest in the subject real Property shall be and is hereby
3 terminated and vacated for all purposes.

4 APPROVED AS TO FORM AND CONTENT:

5 DATE: 05/04/2023

6 /s/ Nancy Weng
7 NANCY WENG
8 Attorney for Debtor

9 **END OF ORDER**

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COURT SERVICE LIST

SENIOR LIENHOLDER

Mortgage Electronic Registration Systems, Inc.,
solely as nominee for HSBC Bank USA, N.A.
c/o Agent for Service of Process
C T Corporation System
28 Liberty Street
New York, NY 10005

INTERESTED PARTY

Ben Yu
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Mountain View, CA 94040